

REMARKS

Claims 1, 12, and 20 are amended, while claims 6, 21, and 25-38 are canceled. Claim 39 is new. Claims 1-4, 7-20, 22-24, and 39, therefore, remain pending in the application. Applicant respectfully traverses the Office's rejections and, in view of the following remarks, respectfully requests that the Office issue a Notice of Allowance.

§ 101 REJECTIONS

Claims 25-33 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter by failing to specify that the claimed invention includes hardware. Applicant respectfully disagrees. Nevertheless, Applicant has canceled claims 25-33 without prejudice. Accordingly, Applicant respectfully requests the § 101 rejection be withdrawn.

§ 103 REJECTIONS

Claims 1, 3-26, and 28-38 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,128,655 (Fields et al.) (hereinafter Fields), in view of U.S. Patent No. 6,763,334 (Matsumoto et al.) (hereinafter Matsumoto) and in view of U.S. Patent Publication No. 2002/0016735 (Runge et al.) (hereinafter Runge).

Claims 2 and 27 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fields, in view of Matsumoto and Runge, as applied to claims 1 and 25 above, and further in view of U.S. Patent No. 6,247,032 (Bernardo et al.) (hereinafter Bernardo).

Applicant respectfully traverses the rejections. Nevertheless, Applicant has amended the independent claims for the sole purpose of expediting allowance and without conceding the propriety of the Office's rejections.

THE CLAIMS

Claim 1 recites a computer executable method comprising: (added language underlined):

- periodically retrieving a media content from one or more of a plurality of content providers, the media content comprising actual media content, scheduling information, and contact information associated with the actual media content, wherein the retrieved media content is to be displayed in at least one Web page;
- verifying a structure and syntax of the retrieved media content by comparing the retrieved media content with a schema file;
- rejecting the media content if the media content is not valid; and
- if the media content is valid:
 - submitting the media content to a media content database;
 - periodically searching the media content database for a media content matching a display criteria;
 - extracting the matching media content from the media content database;
 - scheduling the matching media content to be displayed at a scheduled time;
 - publishing the matching media content in a file folder, the file folder name comprising the scheduled date and time; and
 - displaying the matching media content at the scheduled time by displaying each media content published to the file folder at the scheduled time.

In making out a rejection of this claim, the Office alleges that Fields in view of Matsumoto and further in view of Runge renders this claim obvious. Office Action, p. 3. Applicant respectfully disagrees. Nevertheless, without conceding the propriety of the Office's rejection, and for the sole purpose of

expediting allowance, Applicant has amended claim 1. Applicant submits that Fields in view of Matsumoto and further in view of Runge at least fails to teach or suggest:

- publishing the matching media content in a file folder, *the file folder name comprising the scheduled date and time.*
- displaying the matching media content at the scheduled time by *displaying each media content published to the file folder at the scheduled time*

Claim 1 (emphasis added).

Additionally, Applicant notes that in many instances, the Examiner has argued from personal knowledge. For instance, the rejection of claim 1 states “It is well established within classified advertising....It is also well established that Runge would keep a file of accounts”. Because the Applicant is required to reasonably challenge statements by the Examiner that are not supported on the record, and failure to do so will be construed as an admission by Applicant that the statement is true (M.P.E.P. §2144.03), the Examiner is hereby requested to cite a reference or to cite references in support of the recited elements. If the Examiner is unable to provide such a reference, and is relying on facts based on personal knowledge, Applicant hereby requests that such facts be set forth in an affidavit from the Examiner under 37 C.F.R. 1.104(d)(2). Absent substantiation by the Examiner, it is respectfully requested that the rejection under 35 U.S.C. § 103 be withdrawn.

For at least these reasons, claim 1 is allowable.

Claims 2-4 and 7-11 depend from claim 1 and are allowable by virtue of this dependency. Claims 2-4 and 7-11 are also allowable for their own recited

features, which the references of record have not been shown to disclose, teach, or suggest.

Claim 12 recites a computer executable method comprising (added language underlined):

- identifying a plurality of content providers;
- periodically determining whether each of the plurality of content providers has any new content to retrieve;
- retrieving new content from the plurality of content providers that have new content to retrieve;
- submitting the new content to a content database;
- periodically searching the content database for content matching a display criteria;
- extracting the matching content from the content database;
- scheduling the matching content to be displayed on a Web page at a scheduled time, wherein the scheduled time is based on an attribute associated with the matching content;
- publishing the matching content in a file folder, the file folder name comprising the scheduled time; and
- displaying the matching content on the Web page at the scheduled time by displaying each content published to the file folder at the scheduled time.

In making out a rejection of this claim, the Office alleges that Fields in view of Matsumoto and further in view of Runge renders this claim obvious. Office Action, p. 3. Applicant respectfully disagrees. Nevertheless, without conceding the propriety of the Office's rejection, and for the sole purpose of expediting allowance, Applicant has amended claim 12. Applicant submits that Fields in view of Matsumoto and further in view of Runge at least fail to teach or suggest:

- publishing the matching content in a file folder, the file folder name comprising the scheduled time; and

- displaying the matching content on the Web page at the scheduled time by displaying each content published to the file folder at the scheduled time

Claim 12.

For at least this reason, claim 12 is allowable.

Claims 13-19 depend from claim 12 and are allowable by virtue of this dependency. Claims 13-19 are also allowable for their own recited features, which the references of record have not been shown to disclose, teach, or suggest.

Claim 20 recites a computer executable method comprising (added language underlined):

- identifying a plurality of content providers;
- identifying a storage location associated with each of the content providers;
- periodically retrieving a file from each storage location, wherein the file identifies any new content to retrieve from the storage location;
- if the file identifies new content to retrieve from the storage location:
 - retrieving the new content;
 - storing the retrieved new content in a central database;
 - periodically searching the central database for the matching content;
 - scheduling the matching content to be displayed at a first scheduled time, wherein the first scheduled time is based on a first attribute associated with the matching content;
 - publishing the matching content in a file folder, the file folder name comprising the first scheduled time;
 - displaying the matching content at the first scheduled time by displaying each content published to the file folder at the first scheduled time; and
 - scheduling the matching content to be removed at a second scheduled time based on a second attribute associated with the matching content.

In making out a rejection of this claim, the Office alleges that Fields in view of Matsumoto and further in view of Runge renders this claim obvious. Office Action, p. 3. Applicant respectfully disagrees. Nevertheless, without conceding the propriety of the Office's rejection, and for the sole purpose of expediting allowance, Applicant has amended claim 20. Applicant submits that Fields in view of Matsumoto and further in view of Runge at least fail to teach or suggest:

- publishing the matching content in a file folder, the file folder name comprising the first scheduled time;
- displaying the matching content at the first scheduled time by displaying each content published to the file folder at the first scheduled time

Claim 20.

For at least this reason, claim 20 is allowable.

Claims 22-24 depend from claim 20 and are allowable by virtue of this dependency. Claims 22-24 are also allowable for their own recited features, which the references of record have not been shown to disclose, teach, or suggest.

Claim 39 recites a computer executable method comprising:

- periodically retrieving a media content from one or more of a plurality of content providers, wherein the retrieved media content is to be displayed in at least one Web page;
- verifying a format of the retrieved media content by comparing a data structure of the retrieved media content with a data structure defined in a schema file;
- rejecting the media content if a format of the media content is not valid; and
- if the media content is valid:
 - submitting the media content to a media content database;

- periodically searching the media content database for a media content matching a display criteria;
- extracting the matching media content from the media content database;
- scheduling the matching media content to be displayed at a scheduled time, wherein scheduling the matching media content includes creating a multi-level directory structure associated with the scheduled time; and
- displaying the matching media content at the scheduled time, the matching media content being displayed by a Web server.

Claim 39 includes the elements recited in claim 1 as previously presented. In making out a rejection of this claim, the Office alleges that Fields in view of Matsumoto and further in view of Runge renders this claim obvious. Office Action, p. 4. Applicant respectfully disagrees, and instead submits that Fields in view of Matsumoto and further in view of Runge at least fail to teach or suggest:

- wherein scheduling the matching media content includes creating a multi-level directory structure associated with the scheduled time

Claim 39.

In making out a rejection of this claim, the Office asserts “Fields teaches automatically updating content on a Web page, which involves replacing (deleting the old content) with new content (Fields column 2 lines 52-54)”. Office Action, p. 6. However, the Office has failed to discuss “creating a multi-level directory structure associated with the scheduled time” as recited in Applicant’s claim. Accordingly, the Office has failed to reject all of the elements of claim 39, and as such has not made a prima facie case of obviousness. Accordingly, Applicant respectfully submits that any subsequent Office Action (other than a Notice of Allowance) should remain Non-Final. *See* 37 CFR §1.113, MPEP §706.07(a).

For at least this reason, claim 39 is allowable.

CONCLUSION

For at least the foregoing reasons, claims 1-4, 7-20, 22-24, and 39 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance. If any issue remains unresolved that would prevent allowance of this case, Applicant respectfully requests the Office to contact the undersigned representative to resolve the issue.

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